

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated February 15, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-6, 9-20 and 23-32 are pending in the Application. Claims 1, 15 and 28 are independent claims.

In the Final Office Action, claims 1-5, 9, 10, 12, 13, 15-19, 23, 24 and 26 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Publication No. 2002/0120935 to Huber ("Huber"). Claims 6 and 20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of U.S. Patent No. 6,553,347 to Tavor ("Tavor"). Claims 11, 14, 25 and 27 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of U.S. Patent Publication No. 2005/0015815 to Shoff ("Shoff"). Claim 28 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of Tavor. Claim 29 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of Tavor in further view of U.S. Patent Publication No. 2002/0059590 to Kitsukawa ("Kitsukawa"). Claims 30 and 31 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over

Huber in view of U.S. Patent Publication No. 2003/0130983 to Rebane ("Rebane"). Claim 32 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Huber in view of Tavor in further view of Rebane. This position is respectfully traversed. It is respectfully submitted that the claims are allowable over any of Huber alone and in combination with Tavor, Shoff, Kitsukawa and Rebane for at least the following reasons.

The Final Office Action has taken a position in a Response to Arguments portion on page 2 that "the applicant's claimed invention and the applicant's arguments are not the same." This position is respectfully refuted. The arguments presented in the amendment submitted on November 27, 2007 where directed to point out the difference between providing targeted advertising provided by the source of the video program or provided by a source associated with the source of the video program (see, Huber, paragraph 20) and the present system which provides a search to identify data related to the selected product including at least one source not associated with a source of the video program. It is this way that a search and identified data may be provided to the user that is not associated with the source of the video program (see, present application, page 14, lines 13-16). Huber merely shows "a data

casting system ... [wherein] the broadcaster is the party preparing the content and inserting the information, thus acting on behalf of the seller or advertiser[, a source associated with the broadcaster,] and not on behalf of the consumer." (See, the present application, page 4, lines 12-15.)

The Final Office Action provides much alleged support for Huber's presentation of a source not associated with the provider of the video program, but it is respectfully submitted that a review of the cited sections of Huber provides no such source or suggestion.

Starting on the last line of page 2 and continuing onto page 3, the Final office Action states that (emphasis added) "Huber discloses performing a search to identify data related to the selected product including at least one source including a supplier retailer, dealer, manufacturer or advertiser not associated with the broadcaster ..." The Final Office Action cites numerous sections of Huber for allegedly supporting this alleged showing including page 1, paragraphs [0008], [0009], Page 2, paragraphs [0012], [0013], [0015], and Pages 3-4, paragraphs [0020], [0032], [0035]. However, upon a careful review of each of the cited pages and paragraphs, it is respectfully submitted that Huber does not

disclose or suggest "performing a search to identify data related to the selected product including at least one source not associated with a source of the video program" as is substantially recited by each of independent claims 1, 15 and 28.

Page 1, paragraphs [0008] and [0009] of Huber shows user preferences being utilized to check a plurality of products contained in each of a plurality of advertisements provided by the broadcaster or associated advertiser and selection of one version of the product based on user preferences, certainly not a search of a source not associated with a source of the video program. Page 2, paragraphs [0012] and [0013] show that hotspots may be provided on presented video content to facilitate identification of a product for sale and the purchase thereof. The "hotspots or cues [are] configured to route purchase and information selections to local vendors." (See, Huber, paragraph [0013].) Since the hotspots and cues are provided by the broadcaster of the video program, clearly these do not provide a source not associated with a source of the video program.

Page 2, paragraph [0015] of Huber provides sources for routing "[a] response to an advertising message" with the sources including cable television, Internet communication, telephone, satellite or

other methods, although since each of these sources is merely provided as a route for advertising selection, clearly none of these sources provides an ability to provide a search to identify data related to the selected product including at least one source not associated with a source of the video program.

Page 3, paragraph [0020] although cited in support of the position forwarded in the Final Office Action, provides the clearest position of the association between the search provided by Huber and the provider of the video program. Paragraph [0020] provides that (emphasis added) "[t]he method and system of the present invention [of Huber] may operate as part of, or in conjunction with, systems and methods that provide targeted advertising in which advertising messages may be selected or tailored prior to broadcast in response to user information" which is merely used to "include items that the user may be more likely to purchase as may be determined from both preference information from the user and trend information for similar users." It is not clear how the Final Office Action can maintain that this portion of Huber provides or suggests a search of a source not associated with the source of the video content. Clearly targeted advertising provides a very close association between the advertiser and the

provider of the video program over which hotspots are provided for user selection. Paragraph [0032] provides that customer information is accessed to select an advertisement type that is suited to the customer/user and therefore is similar to that which is discussed above regarding page 1, paragraphs [0008] and [009] of Huber. Lastly cited is page 4, paragraph [0035] which merely summarizes that Huber, with on-screen selection icons (hotspots), provides a simplified purchasing experience to the user, although again no source is provided that is not associated with the source of the video program.

In fact, a careful review of the cited sections of Huber and all other sections for that matter makes clear that Huber does not provide a search to identify data related to the selected product of a source not associated with a source of the video program. It is respectfully submitted that the present system clearly contemplates and discloses and claims more than a system merely acting on behalf of the seller or advertiser, although albeit as filtered by user preferences, as stipulated by all sections of Huber.

Accordingly, it is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of

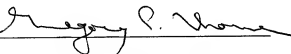
Huber alone, or in any combination with Tavor, Shoff, Kitsukawa and Rebane. For example, Huber, alone, or in any combination with Tavor, Shoff, Kitsukawa and Rebane does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "performing a search to identify data related to the selected product including at least one source not associated with a source of the video program" as recited in claim 1, and as substantially recited in each of Claims 15 and 28. Tavor, Shoff, Kitsukawa and Rebane are cited for allegedly showing other features of the claims yet in any event, do not cure the deficiencies in Huber.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 15, and 28 are patentable over Huber, alone, and in any combination with Tavor, Shoff, Kitsukawa and Rebane and notice to this effect is earnestly solicited. Claims 2-6, 9-14, 16-20 and 23-32 respectively depend from one of Claims 1, 15 and 28 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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